

JS 44 (Rev. 12/12)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Susan E. Murphy, Individually and as Executor of the Estate of Donald A. Murphy, deceased

(b) County of Residence of First Listed Plaintiff Brevard, Florida  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Tia Dinh, Weit & Luxenberg, 200 Lake Drive East, Suite 205, Cherry Hill, NJ 08002 856-755-1115

**DEFENDANTS**

Union Carbide Corporation

County of Residence of First Listed Defendant Harris County, Texas  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Robert N. Spinelli/Catherine N. Jasons, KJMSH&R, 50 S. 16th St., Phila., PA 19102 215-854-0658

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☒ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1            | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input checked="" type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Sections 1332(a), 1441 and 1446

Brief description of cause:

Asbestos Personal Injury

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

07/24/2013

SIGNATURE OF ATTORNEY OF RECORD

*Catherine N. Jasons*

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1025 W. Nasa Blvd. C 11D, Melbourne, FL 32919-0001

Address of Defendant: 1254 Enclave Parkway, Houston, TX 77077

Place of Accident, Incident or Transaction: At various government sites in New York, Georgia, New Jersey and elsewhere.  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☒ No ☐

Does this case involve multidistrict litigation possibilities? Yes ☒ No ☐

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify) \_\_\_\_\_

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify) \_\_\_\_\_
7. ☐ Products Liability
8. ☒ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify) \_\_\_\_\_

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Catherine N. Jasons, counsel of record do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;  
☐ Relief other than monetary damages is sought.

DATE: July 24, 2013

Catherine N. Jasons  
Attorney-at-Law

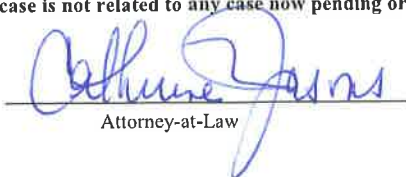
30105

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: July 24, 2013

  
Attorney-at-Law

30105

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Susan E. Murphy, Individually and as Executor of the Estate of Donald A. Murphy, deceased v. Union Carbide Corporation	: : : : :	CIVIL ACTION     NO.
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In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. (X)
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

<u>July 24, 2013</u>	<u>Catherine N. Jasons</u>	<u>Union Carbide Corporation</u>
<b>Date</b>	<b>Attorney-at-law</b>	<b>Attorney for</b>
<u>215-854-0658</u>	<u>215-854-8434</u>	<u>cjasons@kjmsh.com</u>
<b>Telephone</b>	<b>FAX Number</b>	<b>E-Mail Address</b>



3. Plaintiff alleges in the Complaint that she is a citizen of the State of Florida. (*See* Exhibit “A” at ¶ 1).

4. Union Carbide was served with a copy of plaintiff’s Complaint on July 1, 2013.

5. On July 22, 2013, Union Carbide filed its Entry of Appearance and Answer to Plaintiff’s Complaint. A copy of the Entry of Appearance and Answer to Plaintiff’s Complaint is attached hereto as Exhibit “B.”

6. Union Carbide is now, and was at the time of the filing of the Complaint, a New York corporation with its principal place of business in Houston, Texas.

7. Since the Plaintiff is a citizen of Florida and Union Carbide is a citizen of New York and Texas, there is complete diversity of citizenship between Plaintiff and Defendant.

8. Upon information and belief, this matter meets the \$75,000 threshold set forth in 28 U.S.C. § 1332(a).

9. Pursuant to 28 U.S.C. § 1441, Defendant removes the within action to this Court as it is a civil action between citizens of different states and the amount placed in controversy by Plaintiff exceeds the sum of \$75,000.

10. Pursuant to 28 U.S.C. § 1446(b), Union Carbide has filed this Notice of Removal within thirty (30) days of service of the Complaint upon Union Carbide.

11. Pursuant to 28 U.S.C. § 1446(a), this court is the United States District Court for the district and division within which the civil action was filed in State court.

12. Pursuant to 28 U.S.C. § 1446(a), Union Carbide has attached copies of all process, pleadings and orders in the state court action served upon Union Carbide.

13. Pursuant to 28 U.S.C. § 1446(d), defendant Union Carbide is filing written Notice of Removal with the Court of Common Pleas of Philadelphia County, First Judicial

District of Pennsylvania, concurrently with the filing of this Notice of Removal and will serve the same on counsel of record.

**WHEREFORE**, Defendant Union Carbide Corporation respectfully requests that this Court assume jurisdiction over this matter on removal from the Court of Common Pleas of Philadelphia County, First Judicial District of Pennsylvania.

Respectfully submitted,

**KELLEY JASONS McGOWAN SPINELLI  
HANNA & REBER, LLP**

**BY: /s/ Robert N. Spinelli**  
**Robert N. Spinelli**  
**Catherine N. Jasons**  
**I.D. No. 28051/30105**  
**Two Liberty Place, Suite 1900**  
**50 South 16<sup>th</sup> Street**  
**Philadelphia, PA 19102**  
**(215) 854-0658**  
**rspinelli@kjmsh.com**  
**cjasons@kjmsh.com**  
**Attorneys for Defendant**  
**Union Carbide Corporation**

Date: July 24, 2013

# **EXHIBIT A**



Court of Common Pleas of Philadelphia County  
Trial Division  
**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)  
**JUNE 2013**  
E-Filed Number: 1306046803  
**003873**

PLAINTIFF'S NAME SUSAN E. MURPHY		DEFENDANT'S NAME UNION CARBIDE CORPORATION	
PLAINTIFF'S ADDRESS 1025 W NASA BLVD. C11D MELBOURNE FL 32919		DEFENDANT'S ADDRESS CT CORPORATION SYSTEM 111 8TH AVENUE NEW YORK NY 10011	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 1	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input checked="" type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE T1 - MASS TORT - ASBESTOS			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES    NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>SUSAN E MURPHY</u> Papers may be served at the address set forth below.		FILED PROPROTHY JUN 28 2013 J. MURPHY	
NAME OF PLAINTIFFS/PETITIONER'S/APPELLANT'S ATTORNEY TIA DINH		ADDRESS 200 LAKE DRIVE EAST SUITE 205 CHERRY HILL NJ 08002	
PHONE NUMBER (856) 406-3996	FAX NUMBER none entered		
SUPREME COURT IDENTIFICATION NO. 311406		E-MAIL ADDRESS tdinh@weitzlux.com	
SIGNATURE OF FILING ATTORNEY OR PARTY TIA DINH		DATE SUBMITTED Friday, June 28, 2013, 02:04 pm	

FINAL COPY (Approved by the Prothonotary Clerk)



IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION - CIVIL

MURPHY VS UNION CARBIDE  
CORPORATION

2013 TERM JUNE

No. 03873

IN RE: ASBESTOS LITIGATION - OCTOBER TERM 1986, NO. 0001

**MASTER CASE MANAGEMENT ORDER FOR  
ASBESTOS-RELATED PERSONAL INJURY CLAIMS**

It is the goal of this Court to secure the just, expeditious and cost-effective determination of each personal injury case involving exposure to asbestos or asbestos-containing products pending or hereafter filed in the Court of Common Pleas of Philadelphia County to eliminate duplication of effort, prevent unnecessary paperwork and promote judicial economy.

In order to achieve these objectives, this 1st day of December, 2010, the Court enters the following Case Management Order for personal injury cases involving exposure to asbestos or asbestos-containing products.

This Case Management Order supersedes all prior Case Management Orders entered in the Asbestos Litigation and shall apply to all cases currently pending and hereafter filed in this Court.

**I. PLEADINGS**

A. Short Form Complaints

A Short Form Complaint shall be filed and served in every case in accordance with the Pennsylvania Rules of Civil Procedure. Plaintiffs may incorporate by reference the Master Long Form Complaints filed on the above-captioned docket.

The Short Form Complaint shall contain the information required by Philadelphia Civil Rule \*1019.1(B), to the extent consistent with the Pennsylvania Rules of Civil Procedure.

A Short Form Complaint that contains premises liability claims shall include the name and address of each work site in which the plaintiff alleges exposure to asbestos and the dates during which the plaintiff or the decedent worked at each such work site.

B. Preliminary Objections

In response to each Short Form Complaint, the defendant may file preliminary objections, if deemed appropriate, in accordance with the Pennsylvania Rules of Civil Procedure and Philadelphia Civil Rule \*1028. The preliminary objections shall be filed in letter brief format rather than motion package format. Its caption must specify "Asbestos Litigation" and name opposing counsel. Facts, issues and pertinent case law should be included. Each motion must include a proposed order.

C. Answers to Complaints

Defendant's answers to complaints are governed by Rule 1041.1 of the Pennsylvania Rules of Civil Procedure.

## II. GIFFEAR DOCKET

Cases that do not state a valid claim pursuant to Giffear v. Johns-Manville Corp., 632 A.2d 880 (Pa.Super. 1993), aff'd sub nom. Simmons v. Pacor, Inc., 674 A.2d 232 (Pa.1996), shall be placed on an inactive docket.

To reactivate a case which has been discontinued pursuant to Giffear, a Motion to Reactivate must be filed and include all necessary medical reports supporting said motion. The motion shall be filed in letter brief format consistent with the Mass Tort Motion procedures.

## III. DISCOVERY

The following deadlines shall apply for the completion of discovery and the exchange of expert reports:

### 180 Days prior to jury selection-

Plaintiffs shall serve answers to Defendants' Master Interrogatories and Requests for Production Directed to Plaintiffs, including information relating to Bankruptcy Trust Filings.

Plaintiffs shall forward the identification of all health care providers along with addresses to defense counsel and RecordTrak.

Plaintiffs shall forward HIPAA compliant authorizations signed by plaintiffs to RecordTrak.

### 120 days prior to jury selection-

Plaintiffs shall serve medical, economic and liability expert reports.

Plaintiffs shall produce to lead defense counsel all diagnostic materials in the possession of plaintiffs or their counsel and all diagnostic material reviewed by plaintiffs' experts. This includes, but is not limited to, x-rays, CT scans, pathology and cytology.

Plaintiffs shall serve product identification witness lists identifying the defendants the witnesses are expected to identify.

### 100 days prior to jury selection-- Completion of plaintiffs' depositions.

### 90 days prior to jury selection-- Completion of all co-worker depositions.

### 45 days prior to jury selection-- Defendants shall serve medical and economic expert reports.

### 10 days prior to jury selection-- Defendants shall serve expert liability reports.

## IV. STIPULATIONS OF DISMISSAL

1. If a plaintiff has agreed to stipulate to the dismissal of a defendant, the defendant (hereinafter the "Stipulated Defendant") shall prepare a Stipulation of Dismissal.

2. The Stipulated Defendant shall circulate the Stipulation of Dismissal to all defense counsel by letter, stating that any party has ten (10) days from the date of the letter to object

to the dismissal of the Stipulated Defendant.

3. If a party objects to the dismissal of the Stipulated Defendant, the objecting party shall notify the Stipulated Defendant in writing of the basis for the objection.

4. If, after the expiration of the ten (10) day period, no objections are received by the Stipulated Defendant, the Stipulation of Dismissal may be electronically filed with the Court as unopposed.

5. The package electronically filed with the Court shall include the signed Stipulation of Dismissal and a cover letter stating no objections have been raised within the ten (10) day period.

6. Service of the Court-approved Stipulation of Dismissal shall be effectuated via the Court's electronic filing system on all parties of record.

#### **V. MOTION PRACTICE AND PROCEDURE**

All summary judgment motions shall be filed in accordance with the Revised Asbestos Summary Judgment Motion Procedures, a copy of which is attached hereto. In addition, to prevent the filing of unnecessary motions, five (5) days prior to the deadline for filing summary judgment motions (or 85 days prior to jury selection) Plaintiffs' counsel are to serve upon all parties to a case, a 'Dismissal Letter' indicating all defendants which Plaintiff will voluntarily dismiss from that case.

All other motions, including motions for *forum non conveniens*, motions to amend complaints, motions to compel, motions to enforce settlements, etc., shall be filed in accordance with the Revised Mass Tort Motion Procedures, a copy of which is attached hereto.

#### **VI. TRIAL SCHEDULING**

The dates for all scheduled trials will be published each Monday in *The Legal Intelligencer*.

#### **VII. DEADLINES FOR CASES THAT MOVE TO NEW TRIAL GROUPS**

If any case is moved, with the consent of the Court, from its original trial group to a later trial group, all discovery and motions deadlines for the later group will apply. Any summary judgment motions filed prior to moving the case will be considered moot and must be re-filed in accordance with the deadlines for the group to which the case has been moved, except for cases where the motion deadline for the new group has already passed at the time the case is moved. For those cases, motions will remain open and need not be re-filed. Those motions remaining open shall be decided by the Coordinating Judge in accordance with the deadlines for the new group.

#### **VIII. CALL OF THE LIST**

A brief call of the asbestos list will be conducted every Monday at 11:00 a.m. The Court will conduct general asbestos business and call those cases listed for trial for the following month. Knowledgeable representatives of each party involved in the next month's scheduled trials shall attend.

A meeting of the Asbestos Kitchen Cabinet will be conducted on the first Monday of each month, following the call of the list.

#### **IX. SANCTIONS**

Failure to comply with any deadlines set forth in the Case Management Order may result in the imposition of appropriate sanctions, including dismissal.

**BY THE COURT:**

**ARNOLD L. NEW  
COORDINATING JUDGE  
COMPLEX LITIGATION CENTER**

**WEITZ & LUXENBERG**

*A New York Professional Corporation*

By: Tia Dinh

Identification No.: 311406

200 Lake Drive East, Suite 205

Cherry Hill, NJ 08002

(856)755-1115



Attorneys for Plaintiff(s)

SUSAN E. MURPHY, INDIVIDUALLY  
AND AS EXECUTOR OF THE ESTATE OF  
DONALD A. MURPHY, DEC.  
1025 W Nasa Blvd C 11D  
Melbourne, FL 32919-0001

Plaintiff(s)

vs.

UNION CARBIDE CORPORATION

Defendants.

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

TERM 2013

NO.

ASBESTOS CASE

JURY TRIAL DEMANDED

**DEFENDANTS SERVICE LIST**

UNION CARBIDE CORPORATION  
CT Corporation Systems  
111 8th Avenue  
New York, NY 10011

**WEITZ & LUXENBERG**

*A New York Professional Corporation*

By: Tia Dinh

Identification No.: 311406

200 Lake Drive East, Suite 205

Cherry Hill, NJ 08002

(856)755-1115

Attorneys for Plaintiff(s)

SUSAN E. MURPHY, INDIVIDUALLY  
AND AS EXECUTOR OF THE ESTATE OF  
DONALD A. MURPHY, DEC.  
1025 W Nasa Blvd C 11D  
Melbourne, FL 32919-0001

Plaintiff(s)

vs.

UNION CARBIDE CORPORATION

Defendants.

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

TERM 2013

NO.

ASBESTOS CASE

JURY TRIAL DEMANDED

**CIVIL ACTION COMPLAINT**

Plaintiff(s) incorporate by reference Plaintiffs Mater Long Form Complaint In re:

Asbestos Litigation in Philadelphia County Court of Common Pleas, filed as of October Term 1986, No. 8610-0001. Pursuant to an Order dated July 30, 1986, and signed by the Honorable Richard B. Klein, the following Short Form Complaint is utilized in this asbestos action.

1. This Complaint involves the claims of the following person(s):

a. Plaintiff:

Name: DONALD MURPHY

Address: 1025 W Nasa Blvd C 11D

Melbourne, FL 32919-0001

Social Security Number: 055-20-2336

Date of Birth: December 22, 1929

Plaintiff-spouse:

Name: SUSAN MURPHY

Address: 1025 W Nasa Blvd C 11d

Melbourne, FL 32919-0001

DOB: 09/24/1953

Social Security: 135-38-4429

Case ID: 13060387



2. The Defendant is a company listed in the caption.

3. Plaintiff(s) might have named as defendants other additional entities responsible for the manufacture, distribution and/or supply of products that contained asbestos, except that such other entities have petitioned for relief in bankruptcy under the United States Bankruptcy Code and, pursuant to federal statute, the institution of actions against these entities is stayed.

4. Plaintiff(s) hereby incorporate by reference the following Counts from the Master Long Form Complaint: Counts I, II, III, IV, V, VI, VII and X.

5. Plaintiff(s) asbestos employment history is as follows:

FORT DRUM, ARMY BASE	WATERTOWN	NY	01/1948	12/1956	LIEUTENANT
FORT BENNING	FORT BENNING	GA	01/1948	12/1956	LIEUTENANT
HUD HOUSING PROJECT	HOBOKEN	NJ	01/1950	12/1950	RENOVATOR
VARIOUS RESIDENTIAL	NEW	NJ	01/1960	12/1960	RENOVATOR
US ARMY NATIONAL GUARD			01/1948	12/1956	LIEUTENANT

6. Plaintiff was diagnosed on July 11, 2011 at Broward General Medical Center, Ft. Lauderdale, Florida as having Mesothelioma which is the direct and proximate result of his exposure to asbestos dust and fibers. This exposure arose from working with or around products manufactured and distributed by defendants.

7. Plaintiff's smoking history:  
Plaintiff smoked approximately 2 packs daily from 1947 to 1965 and smoked a pipe from 1965 to 2006.

8. Plaintiff's wages during his full year of employment were:

a. To be supplied if applicable.

**WEITZ & LUXENBERG, P.C.**  
Attorneys for Plaintiff(s)

By:   
Tia Dinh

**VERIFICATION**

I, Tia Dinh, attorney for Plaintiff(s), verify that the facts set forth in the foregoing are true and correct to the best of my information, knowledge and belief.

I understand that the statements contained herein are subject to the penalties of 18 PA C.S.A. Sec. 4904 relating to unsworn falsification to authorities.

Dated: 6/27/13

  
\_\_\_\_\_  
Tia Dinh

**CERTIFICATION**

I, Tia Dinh, attorney for the Plaintiff(s), certifies pursuant to Pennsylvania

Rule No. 205.4 that the hard copy of this electronically filed document was properly signed.

Dated: 6/27/13

  
\_\_\_\_\_  
Tia Dinh

**WEITZ & LUXENBERG**  
*A New York Professional Corporation*  
By: Robert M. Silverman  
Identification No.: 26853  
200 Lake Drive East, Suite 205  
Cherry Hill, NJ 08002  
(856)755-1115

SUSAN E. MURPHY, INDIVIDUALLY  
AND AS EXECUTOR OF THE ESTATE OF  
DONALD A. MURPHY, DEC.  
1025 W Nasa Blvd C 11D  
Melbourne, FL 32919-0001

Plaintiff(s)

vs.

UNION CARBIDE CORPORATION,

Defendants.

Attorneys for Plaintiff(s)

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

TERM 2013

NO.

ASBESTOS CASE

JURY TRIAL DEMANDED

**NOTICE TO PLEAD**

**NOTICE**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance, personally, or by an attorney, and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you, and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR  
LAWYER AT ONCE. IF YOU DO NOT HAVE A  
LAWYER OR CANNOT AFFORD ONE, GO TO OR  
TELEPHONE THE OFFICE SET FORTH BELOW TO  
FIND OUT WHERE YOU CAN GET LEGAL HELP:

PHILADELPHIA BAR ASSOCIATION  
Lawyer Referral and Information Service  
One Reading Center  
Philadelphia, PA 19107  
Telephone: 215-238-1701

**AVISO**

Le han demandado a usted en la corte. Si usted quiere de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plaza al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO  
IMMEDIATAMENTE. SI NO TIENE ABOGADO O SI  
NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL  
SERVICIO, VAYA EN PERSONA O LLAME POR  
TELEFONO A LA OFICINA CUYA DIRECCION SE  
ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR  
DONDE SE PUEDE CONSEGUIR ASISTENCIA  
LEGAL.

ASOCIATION DE LICENCIADOS DE FILADELPHIA  
Servicio De Referencia E Informacion Legal  
One Reading Center  
Philadelphia, Pennsylvania 19107  
Telefono: 215-238-1701

Case ID: 13060387

**Pathology/Review Consultation Report**

**Temporary Copy**

Case: BS-11-5838

Collected: 06/16/2011 13:59

Ordered by: Broward Gen Med Ctr, CLIN

**Page 1 of 1**

Pathologist: MURPHY, DONALD A

ID: 61833

Location: H. Lee Moffitt

**Clinical History**

NONE GIVEN

**Contributor Information**

BROWARD GENERAL MEDICAL CENTER

1600 S. ANDREWS AVE

FORT LAUDERDALE, FL, 33318

T 954-355-5587

F 954-355-5588

**Material Submitted**

A. BS-11-5838, 4 SLIDES AND 10 UNSTAINED SLIDES

**Final Diagnosis**

BS-11-0005838, 4 SLIDES, DATED: 06/16/2011

LUNG, RIGHT NODULE, BIOPSY:

Invasive epithelioid neoplasm involving adipose tissue, most consistent with epithelioid mesothelioma.

See Comment.

COMMENT: Immunohistochemical stains performed by the contributor but not available for review show the neoplastic cells to express both cytokeratin and calretinin, however, they lack expression of CK7, CK20, TTF-1, synaptophysin, chromogranin, mucin and CEA. Immunohistochemical stains performed at Moffitt Cancer Center with adequate controls reveal the tumor cells to be weakly positive for D2-40 and WT-1, but negative for MOC31 and BerEP4. These findings support the above diagnosis.

I, SONER ALTIOK the attending pathologist, personally reviewed all slides and / or materials and rendered the final diagnosis. Electronically Signed  
Out by SONER ALTIOK MD 07.13.11 04:58 pm

PHM

# **EXHIBIT B**





**Robert N. Spinelli, Esquire**  
**rspinelli@kjmsh.com**

**I.D. No. 28051**

**Kelley Jasons McGowan Spinelli Hanna &  
Reber, LLP**

**Two Liberty Place, Suite 1900  
50 South 16<sup>th</sup> Street  
Philadelphia, PA 19102  
(215) 854-0658**

**Attorney for Defendant:**  
**Union Carbide Corporation**

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SUSAN E. MURPHY, Individually and as  
Executor of the Estate of DONALD A. MURPHY,  
Deceased

vs.

UNION CARBIDE CORPORATION

---

: PHILADELPHIA COUNTY  
: COURT OF COMMON PLEAS  
:  
:  
: JUNE TERM, 2013  
: NO. 3873  
:  
:  
: ASBESTOS CASE

**ENTRY OF APPEARANCE AND ANSWER OF DEFENDANT  
UNION CARBIDE CORPORATION  
TO PLAINTIFF'S COMPLAINT**

Pursuant to Rule 1041.1(c) of the Pennsylvania Rules of Civil Procedure, Robert N. Spinelli, Esquire, enters his appearance on behalf of defendant Union Carbide Corporation and hereby answers the Complaint filed in the above-captioned matter. By operation of this Rule, this Entry

constitutes a denial of all averments of fact in the Complaint, an allegation of all affirmative defenses and a claim for indemnification and contribution from all other defendants and additional defendants.

This entry is further filed in accordance with Philadelphia County Court of Common Pleas Local Rule 1019.1. Answering defendant hereby incorporates by reference the Defendants' Master New Matter, and all amendments thereto, filed by defendants in In Re: Asbestos Litigation, Special Asbestos Docket, October Term, 1986, Number 0001.

**KELLEY JASONS McGOWAN SPINELLI HANNA &  
REBER, LLP**

BY: /s/ Robert N. Spinelli  
Robert N. Spinelli  
Attorney for Defendant  
Union Carbide Corporation

**CERTIFICATE OF SERVICE**

I, Robert N. Spinelli, do hereby certify that a true and correct copy of the foregoing Entry of Appearance and Answer of Defendant Union Carbide Corporation to Plaintiff's Complaint was filed this date via the First Judicial District of Philadelphia Court of Common Pleas Civil Trial Division's E-Filing System and thereby deemed served on all counsel of record pursuant to rule 205.4(g) of the Pennsylvania Rules of Civil Procedure.

/s/ Robert N. Spinelli  
Robert N. Spinelli

Dated: July 22, 2013

**CERTIFICATE OF SERVICE**

I, Robert N. Spinelli, Esquire, hereby certify that a true and correct copy of the foregoing Notice of Removal was served upon plaintiff's counsel via U.S. Mail, First Class, postage prepaid, addressed as follows: Tia Dinh, Esquire, Weitz & Luxenberg, P.C., 200 Lake Drive East, Suite 205, Cherry Hill, NJ 08002 and electronically served, on this 24<sup>th</sup> day of July, 2013.

**KELLEY JASONS McGOWAN SPINELLI  
HANNA & REBER, LLP**

**BY: /s/ Robert N. Spinelli**

**Robert N. Spinelli  
Catherine N. Jasons  
I.D. No. 28051/30105  
Two Liberty Place, Suite 1900  
50 South 16<sup>th</sup> Street  
Philadelphia, PA 19102  
(215) 854-0658  
[rspinelli@kjmsh.com](mailto:rspinelli@kjmsh.com)  
[cjasons@kjmsh.com](mailto:cjasons@kjmsh.com)  
Attorneys for Defendant  
Union Carbide Corporation**



**CERTIFICATE OF SERVICE**

I hereby certify that on July 24, 2013, I caused the foregoing Fed. R. Civ. P. 7.1 Disclosure Statement of Defendant Union Carbide Corporation to be electronically filed with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have thereby electronically served this document upon all counsel of record who are registered with the Court's CM/ECF system.

/s/ Robert N. Spinelli

**Robert N. Spinelli**